

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
OGDEN MARINE, INC.)
(S.S. SACRAMENTO),)
Appellant,)
vs.)
PUGET SOUND AIR POLLUTION)
CONTROL AGENCY,)
Respondent.)

PCHB No. 84

FINDINGS OF FACT,
CONCLUSION AND ORDER

This matter is the appeal of a \$250 civil penalty invoked by respondent Agency against appellant for an alleged violation of Section 9.03(a)(1) of Regulation I of respondent Agency by the ship SACRAMENTO while berthed at Terminal 37, Seattle, on December 22, 1971.

The matter came before all members of the Pollution Control Hearings Board at a proceeding held in respondent Agency's Seattle office at 9:30 a.m. on April 11, 1972. Appellant was represented by Robert Gaddy, marine superintendent of Atlas Steamship Agency, Seattle, agent for

1 appellant. Respondent was represented by its counsel, Keith D. McGoffin.
2 Shirley W. Marshall, Seattle court reporter, prepared the transcript of
3 the proceedings.

4 The proceedings began as an informal conference, but assumed the
5 status of a formal hearing after it became apparent no compromise
6 settlement could be attained. Witnesses were sworn and testified.
7 Exhibits were admitted.

8 On the basis of testimony heard and exhibits examined, the Pollution
9 Control Hearings Board makes these

10 FINDINGS OF FACT

11 I.

12 On December 21, 1971, a printed circular (Respondent's Exhibit 1)
13 detailing smoke emission regulations and procedures of the Puget Sound
14 Air Pollution Control Agency, was taken aboard and left on the ship
15 SACRAMENTO, at berth in Seattle, by an inspector of respondent Agency.
16 This was done after other personnel of respondent Agency on several
17 days earlier in December had observed smoke emissions from the stack of
18 the ship SACRAMENTO which they believed were in violation of respondent
19 Agency's regulations.

20 II.

21 On December 22, 1971, while at berth in Seattle, the ship SACRAMENTO
22 emitted from its stack, smoke of more than 40 percent density on the
23 Ringlemann Chart for a period of more than 15 minutes.

24 III.

25 The emission apparently was caused by untrained personnel operating
26 the ship's boiler burner in an improper manner.

27 FINDINGS OF FACT,
CONCLUSION AND ORDER

1 From these facts and exhibits, the Pollution Control Hearings Board
2 comes to this

3 CONCLUSION

4 The ship SACRAMENTO was in violation of Section 9.03(a)(1) of
5 Regulation I of respondent Agency in Seattle on December 22, 1971, and
6 had been on several occasions immediately prior thereto.

7 In view of this, the Pollution Control Hearings Board issues this

8 ORDER

9 The penalty of \$250.00 imposed by the respondent Agency (Notice of
10 Civil Penalty No. 193) for the violation on December 22, 1971 referred
11 to in the foregoing Findings and Conclusion is sustained.

12 DONE at Seattle, Washington this 23rd day of May, 1972.

13 POLLUTION CONTROL HEARINGS BOARD

14 Matthew W. Hill
15 MATTHEW W. HILL, Chairman

16 James T. Sheehy
17 JAMES T. SHEEHY, Member

18 Walt Woodward
19 WALT WOODWARD, Member
20
21
22
23
24

25
26
27 FINDINGS OF FACT,
CONCLUSION AND ORDER